

REMARKS

Claims 1-24 are pending in this application. Claim 1 has been amended. Claims 10-24 are withdrawn from consideration.

In the Office Action, the Examiner rejected claims 1-9 under 35 U.S.C. § 101 because it is contended the claimed invention is directed to non-statutory subject matter. The preamble of independent claim 1 has been amended to recite a “non-transitory computer readable storage medium,” which is believed to place the claims in conformance with the latest PTO guidelines regarding §101. This amendment is fully supported, for example, at paragraph 0030 of the present application. No new matter has been added.

Claims 1-4 and 7 are rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 7,123,243 (Kawasaki) in view of U.S. Patent No. 6,801,849 (Szukala) and further in view of U.S. Patent No. 6,314,422 (Barker). Claim 5 is rejected under 35 U.S.C. §103(a) as being unpatentable over Kawasaki in view of Szukala, Barker, and further in view of U.S. Patent 6,603,494 (Banks). Claim 6 is rejected under 35 U.S.C. §103(a) as being unpatentable over Kawasaki in view of Szukala, Barker and further in view of U.S. Patent 5,598,527 (Debrus). Claim 8 is rejected under 35 U.S.C. §103(a) as being unpatentable over Kawasaki in view of Szukala, Barker and further in view of U.S. Patent 5,859,628 (Ross). Claim 9 is rejected under 35 U.S.C. §103(a) as being unpatentable over Kawasaki in view of Szukala, Barker and further in view of U.S. Patent 7,154,481 (Cross). These rejections are respectfully traversed. Applicants hereby request reconsideration and allowance of the claims in view of the following arguments.

Regarding the obviousness rejection of independent claim 1 based on Kawasaki, Szukala, and Barker, the Examiner admits Kawasaki and Szukala fail to disclose claim 1's instrument identity banner including details of the type and status of the diagnostic instrument. However,

the Office Action contends the Barker reference furnishes a disclosure of this feature, and further contends it would have been obvious to combine Barker with Kawasaki and Szukala to yield the claimed invention. The Examiner points to Fig. 6 of Barker for support; analogizing the displayed “TSBs/Recalls,” “1996 Intrepid,” the VIN, and/or the tech name labels to the claimed “details of the type . . . of diagnostic instrument;” and the “Disconnected” label to the claimed status of the diagnostic instrument.

Applicants disagree, at least because Barker’s display 70 and banner in Fig. 6 are unrelated to any diagnostic instrument. As explained in Barker, and well-known to those skilled in the art, the “TSB/Recalls” tab label identifies that the display is for technical service bulletins (TSB) and recalls, as shown in the bottom part of Fig. 6, rather than for a diagnostic instrument. The “1996 Intrepid” label identifies a vehicle, not a diagnostic instrument. The vehicle VIN and tech name likewise have nothing to do with identifying a diagnostic instrument. Regarding the “Status” label, there is no teaching in Barker that this label is related to a diagnostic instrument, as claimed. Thus, Fig. 6 of Barker does not disclose the claimed instrument identity banner. Although Barker discloses connecting a diagnostic instrument to the user interface and display of its system, as shown in Figs. 2 and 13, Barker does not teach displaying the claimed instrument identity banner including details of the type and status of a diagnostic instrument, as claimed.

Since none of Kawasaki, Szukala, or Barker teaches or suggests displaying an instrument identity banner as claimed, any combination of these references, however made, would be missing this claimed feature, and it would not have been obvious to add this feature to any Kawasaki/Szukala/Barker combination.

Consequently, independent claim 1 is patentable, as are claims 2-4 and 7, which depend from claim 1.

Regarding the obviousness rejections of claims 5, 6, 8, and 9 based on Kawasaki, Szukala, and Barker in combination with Banks, Debrus, Ross or Cross, since none of the additional cited references teaches or suggests displaying the claimed instrument identity banner of claim 1, from which these claims depend, any combination of Kawasaki, Szukala, and Barker with these references, however made, would be missing this claimed feature, and it would not have been obvious to add this feature to any Kawasaki/Szukala/Barker/Banks/Debrus/Ross/Cross combination.

Consequently, claims 5, 6, 8, and 9 are patentable.

Having fully responded to all matters raised in the Office Action, Applicants submit that all claims are in condition for allowance, an indication for which is respectfully solicited. If there are any outstanding issues that might be resolved by an interview or an Examiner's amendment, the Examiner is requested to call Applicants' attorney at the telephone number shown below.

To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account 500417 and please credit any excess fees to such deposit account.

Respectfully submitted,

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